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COMMISSION REGULATION (EC) No 889/2008

of [...]

amending Commission Regulation (EC) No 889/2008 on organic production, labelling and control as regards laying down detailed rules on organic aquaculture and seaweed

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Article 1

Regulation (EC) No 889/2008 is amended as follows:

1. Article 1 is amended as follows:

(a) In Article 1(1) the following paragraph is added:

"This Regulation applies *mutatis mutandis* to the production of feed from plankton, micro-crustacea, rotifers, worms or other aquatic feed organisms."

(b) Article 1(2) is replaced by the following:

" This Regulation shall not apply to

a) livestock species other than those referred to in Article 7 and

b) to aquatic animals other than those referred to in Article 25a.

However, Title II, Title III and Title IV shall apply *mutatis mutandis* to such products until detailed production rules for those products are laid down on the basis of Regulation 834/2007. "

2. Article 2 is amended by the following:

(a) point (g) is replaced by the following:

"(g) "hydroponic production" means the method of growing plants, other than seaweed, with growing their roots in a mineral nutrient solution only or in an inert medium, such as perlite, gravel, or mineral wool to which a nutrient solution is added;"

(b) after point (i) the following definitions are inserted under the heading Definitions for aquaculture and seaweed

“(j) 'carrying capacity' the amount of a given aquaculture production or seaweed harvesting that can be accommodated within the environmental capacity of a defined area;

(k) 'closed aquaculture facility' means the type of facility defined in Article 3, paragraph (3) of Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture¹;

- (l) 'energy from renewable sources' means renewable non-fossil energy sources: wind, solar, geothermal, wave, tidal, hydropower, landfill gas, sewage treatment plant gas and biogases;
- (m) 'hatchery' means a place of breeding, hatching and rearing through the early life stages of animals, finfish and shellfish in particular;
- (n) 'nursery' means a place where an intermediate farming system, between the hatchery and grow-out stages is applied. The nursery stage is always completed within the first third of the production cycle;
- (o) 'pollution' means the introduction into the marine environment of the items listed in Article 3, paragraph (8) of Directive 2008/56/EC. In the case of freshwaters it results from the introduction of pollutants listed in Annex VIII of Directive 2000/60/EC;
- (p) 'polyculture' means the rearing of two or more non-competitive species in the same culture unit;
- (q) 'production cycle' means the lifespan of an aquatic animal or seaweed from the earliest life stage to harvesting;
- (r) 'locally grown species' means for the purpose of this Regulation those which are neither alien nor locally absent species under Council Regulation 708/2007, with the exception of those listed in its Annex IV;
- (s) 'stock' a quantity of aquatic animals, seaweed or plankton considered in a given situation.

4. In Title II the following Chapter 1a is inserted:
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“CHAPTER 1a

Seaweed

Article 6a

Scope

This Chapter lays down detailed production rules for seaweed collection and seaweed farming including the production of plankton for further use in aquaculture.

Article 6b

Suitability of aquatic medium and sustainable management plan

1. Member State authorities may designate areas which they consider to be unsuitable for organic aquaculture or seaweed harvesting from an environmental point of view.

2. Operations shall be situated in locations that are not subject to contamination by products or substances not authorised for organic production, or pollutants that would compromise the organic nature of the products. An environmental assessment shall be required for all new operations applying for organic production to ascertain the conditions of the site and its immediate environment and likely effects of its operation. The operator shall provide the environmental assessment to the control body or control authority.

3 The operator shall provide a sustainable management plan for aquaculture and seaweed harvesting.

4. The plan shall be updated annually and shall detail the environmental effects of the operation, the environmental monitoring to be undertaken, and list measures to be taken to minimise negative impacts on the surrounding aquatic and terrestrial environments, including, where applicable, nutrient discharge into the environment per production cycle or per annum.

5. The plan shall record the surveillance and repair of technical equipment. 6. Aquaculture and seaweed business operators shall by preference use renewable energy sources and re-cycle materials where possible and shall draw up a waste reduction plan to be put in place at the commencement of operations. For farming operations the waste reduction plan shall form part of the sustainable management plan. The use of residual heat shall be limited to energy from renewable sources.

6. For seaweed harvesting a once-off biomass estimate shall be undertaken at the outset.

Article 6c

Sustainable harvesting of wild seaweed

1. Written contracts shall be required between the seaweed business operator and the harvesters.

2. Harvesting shall not exceed the sustainable yield of the ecosystem and measures shall be taken to ensure that seaweed can regenerate, such as harvest technique, minimum sizes, ages, reproductive cycles or size of remaining seaweed.

3. Co-location of organic and non-organic seaweed beds shall not be permitted except by permission from the competent authority [on the condition of]

If seaweed is harvested from a shared or common harvest area, documentary evidence shall be available that the total harvest complies with this Regulation.

4. With respect to Article 73b (2) (b) and c), these records must provide evidence of sustainable management and of no long-term impact on the harvesting areas.

Article 6d

Seaweed Cultivation

1. Seaweed culture at sea shall utilise nutrients naturally occurring in the environment, or from organic aquaculture production.
2. Where external nutrient sources are used in facilities on land, nutrient levels in the effluent water shall be verifiably the same, or lower, than the inflowing water. Only nutrients listed in Annex I may be used.
3. Culture density or operational intensity shall be recorded and shall maintain the integrity of the aquatic environment, and not exceed its carrying capacity.
4. Ropes and other equipment used for growing seaweed shall be re-used or recycled where possible.

Article 6e

Cleaning of production equipment and facilities

1. Bio-fouling organisms shall be removed by physical means or by hand and returned to the sea at a distance from the farm.
2. Only chemical antifoulants, which are listed in Annex VII, Section 2 may be used.

4. In Title II the following Chapter 2a is inserted:

“CHAPTER 2a

Aquaculture production

Section 1

General rules

Article 25a

Scope

This Chapter lays down detailed production rules for aquaculture involving the species of fish, crustaceans, echinoderms and molluscs covered by Annex XV.

Article 25b

Suitability of aquatic medium and environmental sustainability

1. The provisions of Article 6b(1) to (6) shall apply.
2. Defensive and preventive measures taken against predators under Council Directive 92/42/EEC and national rules shall be recorded in the sustainable management plan.

3. Where more than one operation is based in an area, verifiable coordination shall take place between operators in drawing up their management plans.
4. For aquaculture in fishponds, tanks or raceways, effluent monitoring shall be carried out at regular intervals and farms shall be equipped with either natural-filter beds, settlement ponds, or biological filters to collect waste nutrients or use seaweeds and/or animals (bivalves and algae) which contribute to improving the quality of the effluent.
5. The competent authority may permit the use of mechanical filters [on condition]

Article 25c

Separation distance

The minimum separation distance between units with organic and non-organic production involving different species, whether in the same holding or a different holding, shall be at least 500 metres.

Article 25d

Simultaneous production of organic and non-organic aquatic animals of the same species

1. The competent authority may permit hatcheries and nurseries to rear both organic and non-organic juveniles of the same species provided there is clear separation between them and a separate water distribution system to reduce the risk of contamination by products and substances not authorised for organic production is set up.
2. Organic and non-organic aquaculture units which grow the same species, in the same or a different holding shall have a minimum separation distance between the units as prescribed in the relevant Section of Annex XV or if not so prescribed a distance of one kilometer on land and one nautical mile at sea. The competent authority may stipulate differentiation criteria such as different phasing or different handling systems to operators and inform other Member States and the Commission.
3. Operators shall keep documentary evidence of the use of provisions referred to in this Article.

Section 2

Origin of aquaculture animals

Article 25e

Origin of organic animals

1. Locally grown species shall be used and breeding shall aim to give strains which are more adapted to farming conditions, good health and good utilisation of feed resources. Documentary evidence of their origin, treatment and health certification shall be provided for the control body or control authority.

2. Species shall be chosen which can be farmed without causing damage to wild stocks.

Article 25f

Origin and management of non-organic animals

1. For breeding purposes, for supplementing or improving genetic stock and when organic animals are not available in sufficient numbers, wild caught or non-organic animals may be brought into a holding. At least the latter two thirds of the duration of the production cycle shall be managed under organic management.

2.(a) In the case of non-organic juveniles the percentage introduced to the farm shall decrease by a minimum of ten percent per year from 2010. These provisions will be reviewed by 2013.

(b) Care shall be taken not to deplete the wild resource.

3. For on-growing purposes the collection of wild aquatic juveniles is specifically restricted to the following cases:

(a) natural influx of fish or crustacean larvae and juveniles when filling ponds, containment systems and enclosures;

(b) European glass eel, providing an approved eel management plan is in place for the location and artificial reproduction of eel remains unsolved;

(c) shellfish seed from settlement beds which are unlikely to survive winter weather or are surplus to requirements;

(d) natural settlement of shellfish juveniles on collectors.

Section 3

Husbandry practices

Article 25g

General husbandry rules

1. The environment of the animals shall be designed in such a way that, in accordance with their species specific needs, the animals shall:

(a) have sufficient space for their wellbeing;

(b) be kept in water of good quality with sufficient oxygen levels, and

(c) be kept in temperature and light conditions in accordance with the requirements of the species and having regard to the geographic location;

(d) in the case of freshwater fish the bottom type shall be as close as possible to natural conditions for example sand and gravel;

(e) in the case of carp the bottom shall be natural earth.

2. Stocking density is set out in Annex XV by species or group of species.

3. The design and construction of aquatic containment units shall provide flow rates and physiochemical parameters that safeguard the animals' health and welfare and provide for their behavioural needs.

4. Containment systems shall be designed, located and operated to minimize the risk of animals escaping.

5. If fish or crustaceans escape, appropriate action must be taken to reduce the impact on the local ecosystem, including recapture, where appropriate. Documentary evidence shall be maintained.

Article 25h

Specific rules for containment systems

1. Closed aquaculture facilities, in which animals spend their entire lives indoors, are prohibited.

2. Closed aquaculture facilities may only be used for the hatchery and nursery stages or for production of species used for organic feed organisms.

3. Rearing units on land shall meet the following conditions:

a) for flow-through systems it shall be possible to monitor and control the flow rate and water quality of both in-flowing and out-flowing water;

b) at least five percent of the farm area shall have undisturbed natural vegetation.

4. Containment systems at sea shall:

a) be located where water flow, depth and water-body exchange rates are adequate to minimize the impact on the seabed and the surrounding water body;

b) demonstrate the suitability of cage design, construction and maintenance to the exposure of the operating environment.

5. Artificial heating or cooling of water shall be permitted in hatcheries and nurseries. Natural borehole water may be used to heat or cool water at all stages of production.

Article 25i

Management of animals

1. Handling of animals shall be minimised, undertaken with the greatest care and proper equipment and protocols used to avoid stress and physical damage associated

with handling procedures. Broodstock shall be handled in a manner to minimize physical damage and stress. Grading operations shall be kept to a minimum.

2. The following restrictions shall apply to the use of artificial light:

a) for prolonging natural day-length it shall not exceed a maximum that respects the ethological needs, geographical conditions and general health of farmed animals, this maximum shall not exceed 16 hours per day, except for reproductive purposes;

b) Abrupt changes in light intensity shall be avoided at the changeover time by the use of dimmable lights or background lighting.

3. The non-routine use of aeration shall be permitted on the following conditions:

- Temporary use of mechanical aerators, preferably powered by renewable energy sources;

- Temperature rise, drop in atmospheric pressure or accidental pollution,

- Occasional stock management procedures such as sampling and sorting, and;

- fasting periods, or in order to assure the survival of the farm stock.

All such use is to be recorded in the aquaculture production record.

4. The use of liquid oxygen is only permitted for uses linked to animal health requirements and critical periods of production and transport. Documentary evidence shall be maintained.

5. The duration, stocking density and water quality management during transportation shall avoid unnecessary stress.

6. Slaughter techniques shall render fish immediately unconscious and insensible to pain. Differences in harvesting sizes, species, and production sites must be taken into account when considering optimal slaughtering methods.

7. [The ice slurry method of slaughter shall be permitted for seabass and seabream and closely related species in the Mediterranean Sea and areas of similar temperature and also for tropical invertebrates. For fish this shall be reviewed by 2013 with reference to scientific advice and evaluation of optimal stunning and slaughter conditions for this type of aquaculture. Stunning by carbon dioxide shall also be permitted for tropical invertebrates.]

Section 4

Breeding

Article 25j

Induction of reproduction

The use of hormones and hormone derivatives is prohibited.

Section 5

Feed for fish, crustaceans and echinoderms

Article 25k

General rules on feeds

1. Feeding regimes shall be designed with the following priorities:
 - a) animal health,
 - b) high product quality, including the nutritional composition,
 - c) low environmental impact.
2. All feed ingredients of plant origin shall be organic.
3. Feed additives, certain products used in animal nutrition and processing aids may be used if listed in Annex VI.

Article 25l

Specific rules on feeds for non-herbivorous animals

1. Non-herbivorous aquatic animals shall be fed fishmeal and oil and ingredients of fish origin listed in Annex V, which shall by preference be made from trimmings of fish already caught for human consumption in sustainable fisheries.
2. Where this is not available, fishmeal and oil from sustainable exploitation of fisheries as referred to in Article 5 (o) of Regulation 834/2007 and defined in Article 3 (e) of Regulation 2371/2002 be used.
3. Fish meal and fish oil from aquaculture trimmings may be used, providing they do not come from the same species.
4. Where there is a shortage of feed mentioned under paragraphs 1 to 3, trimmings of fish caught for human consumption may be used for a transitional period until 31 December 2014, by which time this shall be reviewed. Such feed material shall not exceed 30% of the daily ration.
5. The feed of non-herbivorous species should comprise at least 10% and not more than 60% plant proteins from organic production. Complete substitution of fishmeal and fish-oil in carnivorous species is not permitted on welfare grounds.
6. Sources of carotenoid pigments listed in Annex VI (to be amended according to expert recommendation) may be used in feed.

Article 25m

Specific rules on feeds for herbivorous animals

1. Herbivorous species as referred to in Annex XV, Section 6 shall be fed with natural feed.
2. If the natural feed resources are insufficient, organic feed of plant origin preferably grown on the farm itself or seaweed may be used.

Section 6

Specific rules for molluscs

Article 25n

Growing area

1. Production of bivalve molluscs shall avoid damage to areas of high nature or biodiversity interest, particularly Natura 2000 areas and shall require a specific chapter in the environmental assessment covering best adaptation to the surrounding environment and mitigation of possible negative effects. These findings shall be incorporated into the sustainable management plan to be established under Article 25b.
2. Bivalve mollusc farming may be carried out in the same area of water as organic finfish and seaweed farming in a polyculture system to be documented in the sustainable management plan.
3. Organic bivalve mollusc production shall take place within areas delimited by posts, floats or other clear markers and shall, as appropriate, be restrained by net bags, cages or other man made means.
4. Organic shellfish farms shall minimise risks to species of conservation interest. If predator nets are used their design shall not permit diving birds to be harmed.

Article 25o

Sourcing of juveniles

1. Seed from non-organic bivalve-shellfish hatcheries can be used until 31 December 2013 by which date consideration will be given to the need to continue such use.
2. Providing there is no lasting damage to the environment and if permitted by local legislation, wild seed from outside the boundaries of the production unit can be used in the case of bivalve shellfish. Records shall be kept of how, where and when wild seed was collected to allow traceability back to the collection area.

Article 25p

Management

1. Production shall use a stocking density not in excess of two-thirds that used for non-organic shellfish in the region concerned. Sorting, thinning and stocking density adjustments shall be made according to the biomass.

2. Biofouling organisms shall be removed by physical means or by hand and where appropriate returned to the sea away from shellfish farms. Shellfish may be treated once during the production cycle with a lime solution to control competing fouling organisms.

Article 25q

Specific rules for mussels and clams

1. Cultivation on mussel ropes and other methods listed in the Annex XV, Section 8 (in preparation) may be eligible for organic production.

2. Bottom cultivation of mussels and clams is permitted providing environmental impact is minimised at the collection and growing sites. The evidence of minimal environmental impact shall be supported by a survey and report on the exploited area to be provided by the operator.

Article 25r

Specific rules for oysters

1. Cultivation in bags on trestles is permitted. These or other structures in which the oysters are contained shall be set out so as to avoid the formation of a total barrier along the shoreline. Stock shall be positioned carefully on the beds in relation to tidal flow to optimise production. Production shall meet the criteria listed in the Annex XV, Section 8 (in preparation).

2. Bottom cultivation may also be eligible for organic production. Evidence of minimal environmental activity shall be supported in such cases by the special chapter of the environmental assessment which is required under Article 25m.

3. Preference shall be given to juvenile oysters produced by organic hatcheries, which in the case of the cupped oyster, *Crassostrea gigas*, shall be selectively bred to reduce spawning in the wild.

Section 7

Disease prevention and transport

Article 25s

General rules on disease prevention

1. The sustainable management plan outlined in Article 6b shall contain a section covering animal health and disease prevention entitled the animal health management plan.

2. The animal health management plan shall detail biosecurity and disease prevention practices including a written agreement for health counselling with a veterinarian who shall visit the farm at a frequency of not less than once per year and not less than once every two years in the case of bivalve shellfish.

3. Holding systems, equipment and utensils shall be properly cleaned and disinfected. Only products listed in Annex VII, Section 2 may be used.

4. With regard to fallowing;

(i) The competent authority shall determine an appropriate fallowing period which shall be applied and documented after each production cycle in open water containment systems at sea. Fallowing is also recommended for other production methods using tanks, fishponds, and cages;

(ii) it shall not be mandatory for bivalve mollusc cultivation;

(iii) during fallowing the cage or other structure used for aquatic animal production is emptied, disinfected and left empty before being used again

5. Uneaten fish-feed, faeces and dead animals shall be removed promptly to maximize water quality, minimize disease risks, and to avoid attracting insects or rodents.

6. Ultraviolet light and ozone may be used.

Article 25t

Veterinary treatments

1. When despite preventive measures to ensure animal health, according to Article 15 (1) (f) (i), of Regulation 834/2007, a health problem arises, veterinary treatments may be used in the following order of preference:

(a) substances from plants, animals or minerals in a homoeopathic dilution;

(b) plants and their extracts not having anaesthetic effects, and

(c) substances such as: trace elements, metals, natural immunostimulants or authorised probiotics.

2. The use of allopathic treatments is limited to two courses of treatment per year, with the exception of vaccinations, and compulsory eradication schemes. However, in the cases of fish with a production cycle of less than 18 months and shrimps and prawns and other species with a production cycle of less than a year a limit of one allopathic treatment For other species two treatments with veterinary medicines, other than anti-parasitic treatments, shall apply.

3. While preference shall be given to the use of cleaner fish for biological control of ectoparasites, if appropriate, the use of antiparasitic treatments shall be limited to twice per year or once per year where the production cycle is less than 18 months.

4. The withdrawal period for allopathic veterinary treatments shall be double the period of non-organic aquaculture in accordance with Article 24(5)."

5. The following Article 29a is inserted:

“Article 29a

Specific provisions for seaweed

1. If the final product is fresh seaweed, flushing of freshly harvested seaweed shall use seawater.

If the final product is dehydrated seaweed, potable water may also be used for flushing. Salt may be used for removal of moisture.

2. The use of direct flames which come in direct contact with the seaweed shall be prohibited for drying. If ropes or other equipment are used in the drying process they shall be free of anti-fouling treatments except where a product is listed in Annex VII for this use.”

6. The following Article 32a is inserted:

“Article 32a

Transport of fish

1. Live fish shall be transported in suitable tanks with clean water which meets their physiological needs in terms of temperature and dissolved oxygen.

2. Tanks may be used beforehand or subsequently for the collection and transport of fish not originating from organic farming. Tanks shall be thoroughly cleaned, disinfected and rinsed following use.

3. Precautions shall be taken to reduce stress. During transport, the density shall not exceed a level which is detrimental to the species.”

7. The following Article 36a is inserted:

“Article 36a

Seaweed

1. The conversion period for a seaweed harvesting site shall be six months.

2. The conversion period for an aquaculture unit shall be the longer of six months or one full production cycle.”

8. The following Article 38a is inserted:

“Article 38a

Aquaculture

1. (i) All of an organic aquaculture production unit shall be run according to the provisions of organic production;
- (ii) the conversion period shall correspond to the type of facility;
- (iii) The following conversion periods, shall apply for facilities:
 - (a) for facilities that cannot be drained, cleaned and disinfected, a conversion period of 24 months shall apply;
 - (b) for facilities capable of being drained, or fallowed, a conversion period of 12 months shall apply;
 - (c) for facilities capable of being drained, cleaned and disinfected a conversion period of six months shall apply;
 - (d) for open water facilities including those farming bivalve molluscs, a three month conversion period shall apply.
2. The competent authority may decide to recognize retroactively as being part of the conversion period any previously documented period in which the facilities were not treated or exposed to products not authorized for organic production.”

9. Article 43 is re-titled:

"Use of non-organic feed of agricultural origin for livestock."

10. The following Article 43a is inserted:

“Article 43a

Use of non-organic feed of plant origin for aquatic animals

Where the conditions laid down in Article 22(2)(b) of Regulation (EC) No 834/2007 apply, the use of non-organic feed of plant origin is allowed for herbivorous aquatic species for a limited period where operators are unable to obtain feed exclusively from organic production under the following condition:

- (a) The maximum percentage calculated as percentage of dry matter of feed of plant origin and authorised for a calendar year shall be 10 % during the period from 1 January 2010 to 31 December 2010 and 5% in during the period from 1 January 2011

to 31 December 2012. The maximum percentage in the daily ration shall be 25% as per the third paragraph of Article 43 .

(b) The operator shall keep documentary evidence of the need for using this provision.

11. In Title IV the following Chapter 2a is inserted:

“Chapter 2a

Control requirements for seaweed

Article 73a

Seaweed

When the control system applying specifically to seaweed is first implemented, the full description of the site referred to in Article 63 (1) (a) shall include:

- (a) a full description of the installations on land and at sea;
- (b) the environmental assessment plan as outlined in Article 6b.2;
- (c) the sustainable management plan as outlined in Article 6b.3;
- (d) for wild seaweed a full description and a map of shore and sea collection areas and land areas where post collection activities take place shall be drawn up.

Article 73b

Seaweed Production Records

1. Seaweed production records shall be compiled in the form of a register by the operator and kept available for the control authorities or control bodies at all times at the premises of the holding. It shall provide at least the following information:

- (a) list of species , date and quantity harvested;
- (b) date of application, type and amount of fertiliser used.

2. For collection of wild seaweeds the register shall also contain:

- (a) history of harvesting activity for each species in named beds;
- (b) harvest estimate (volumes) per season;
- (c) sources of possible pollution for harvest beds;
- (d) sustainable annual yield for each bed.”

12. In Title IV the following Chapter 3a is inserted:

“Chapter 3a

Specific control requirements for aquaculture

Article 79a

Control arrangements for aquaculture

1. When the control system applying specifically to aquaculture is first implemented, the full description of the unit referred to in Article 63 (1) (a) shall include:

- (a) a full description of the installations on land and at sea;
- (b) the environmental assessment as outlined in Article 6b.2;
- (c) the sustainable management plan as outlined in Article 6b.3;
- (d) in the case of molluscs a summary of the special chapter of the environmental assessment required by Article 25n (1).

Article 79b

Aquaculture Production Records

The following information shall be provided by the operator in the form of a register which shall be kept up to date and made available for the control authorities or control bodies at all times at the premises of the holding (a) the origin, date of arrival and conversion period of animals arriving at the holding;

- (b) the number of lots, the age, weight and destination of animals leaving the holding;
- (c) records of mortalities of aquaculture species and of escapes of fish;
- (d) for fish the type and quantity of feed and in the case of carp and related species documentary evidence of the need to use additional feed;
- (e) veterinary treatments giving details of the purpose, date of application, method of application, type of product and withdrawal period;
- (f) disease prevention measures giving details of fallowing, cleaning and water treatment.

Article 79c

Control Visits for bivalve molluscs

For bivalve mollusc production inspection visits shall take place before and during maximum biomass production.

Article 79d

Several production units run by the same operator

When an operator manages several production units, the units which produce non-organic animals shall also be subject to the control system as laid down in Chapters 2 and 3 of this Title."

13. The heading of Chapter 5, Title IV is amended as follows:

"Control requirements for imports of organic products from third countries."

14. Article 93(2) is amended by the following:

after point (d) of paragraph 2 the following point (e) is inserted:

“(e) the number of organic aquaculture and seaweed units,

(f) the volume of organic aquaculture and seaweed production .”

15. Article 95 is amended by the following:

(a) after paragraph 10 the following paragraphs are inserted:

“11. When at the date of application of this Regulation for aquaculture and seaweed, the remaining batches still under production according to national rules or Member State recognised or accepted private standards, will be allowed to be placed on the market using the corresponding label. Producers will have to declare within one month the facilities, fishponds, cages or seaweed lots which are concerned to the control body or the control authority in charge of their operation.

12. For existing organic sites a period of three years shall be permitted to comply with the requirement of Article 25g (3) (b).

13. For carp and associated species in Annex XV, Section 6, produced in fishponds under nationally accepted rules, provided the conditions of paragraph one are met, organic status can be kept for a period of three years while adapting to these rules provided there is no undue pollution of the waters with substances not allowed in organic production."

16. The Title of Annex VI is replaced by the following:

"Feed additives and certain substances used as in animal nutrition referred to in Articles 22(4) and 25k(3)"

17. Annex VII is replaced:

See cleaning material in the Annex

18. Annex XV is inserted:

See production specifications in the Annex

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

For the Commission

[...]

Member of the Commission

Annex

1. Annex VI is amended by the following:

Annex VI

1.1 nutritional additives: insert text of expert recommendation.

2. Annex VII is replaced by the following:

Annex VII

Products for cleaning and disinfection

1. Products for cleaning and disinfection of buildings and installations for livestock production referred to in Article 23(4):

- Potassium and sodium soap
- Water and steam
- Milk of lime
- Lime
- Quicklime
- Sodium hypochlorite (e.g. as liquid bleach)
- Caustic soda
- Caustic potash
- Hydrogen peroxide
- Natural essences of plants
- Citric, peracetic acid, formic, lactic, oxalic and acetic acid
- Alcohol
- Nitric acid (dairy equipment)
- Phosporic acid (dairy equipment)
- Formaldehyde
- Cleaning and disinfection products for teats and milking facilities
- Sodium carbonate

2. Products for cleaning (including antifouling) and disinfection for aquaculture and seaweed production referred to in Articles 6a, 25q and 25s

- text of expert group recommendation

3. After Annex XIV the following Annex XV is inserted:

Annex XV

Section 1

Organic production of salmonids in fresh water:

Brown trout (*Salmo trutta*) – Rainbow trout (*Oncorhynchus mykiss*) – American brook trout (*Salvelinus fontinalis*) – Salmon (*Salmo salar*) – Charr (*Salvelinus alpinus*.)– Grayling (*Thymallus thymallus*)– American lake trout (or grey trout) (*Salvelinus namaycush*) – Huchen (*Hucho hucho*)

Minimum separation distance organic from non-organic production units growing the same species	In a river: 2,000 metres, in a lake: 1,000 metres.
Production system	Ongrowing farm systems must be fed from open systems. The flow rate must ensure a minimum of 65% oxygen saturation for stock and must ensure their comfort and the elimination of farming effluent.
Maximum stocking density (kg fish per cubic metre of water)	Brown trout and other salmonid species not listed below 15 kg/m ³ Salmon [20] kg/m ³ Rainbow trout [25] kg/m ³ Arctic charr [50] kg/m ³

Section 2

Organic production of salmonids in sea water:

Salmon (*Salmo salar*), Brown trout (*Salmo trutta*) – Rainbow trout (*Oncorhynchus mykiss*)

Minimum separation distance organic from non-organic production units growing the same species	2 nautical miles
Maximum stocking density (kg fish per cubic metre of water)	10 kg/m ³ in net pens

Section 3

Organic production of cod (*Gadus morhua*) and other *Gadidae*, sea bass (*Dicentrarchus labrax*), sea bream (*Sparus aurata*), meagre (*Argyrosomus regius*), turbot (*Psetta maxima [= Scopthalmus maximus]*), red porgy (*Pagrus pagrus [= Sparus pagrus]*) and other *Sparidae*, and spinefeet (*Siganus spp*)

Production system	In open water containment systems (net pens/cages) with minimum sea current speed to provide optimum fish welfare.
Maximum stocking density (kg fish per cubic metre of water)	Offshore: 10 kg/m ³ On land: [15]kg/m ³ The competent authority may authorise a higher density should local conditions warrant it, such measures shall be notified to other Member States and the Commission

Section 4

Organic production of sea bass, sea bream, meagre, mullets (*Liza*, *Mugil*) and eel (*Anguilla spp*) in earth ponds of tidal areas

Containment system	Traditional salt pans transformed into aquaculture production units and similar earth ponds in tidal areas
Production system	The average time for renewal of the water is set at [5] renewals per hour at most. At least 50% of the dikes must have plant cover Wetland based depuration ponds required
maximum farming density	4 kg/m ³

Section 5

Organic production of Sturgeon in fresh water

Species concerned: *Acipenser family*

Minimum separation distance organic from non-organic production units growing the same species	In a river 2,000 metres
production system	Water flow in each rearing unit shall be sufficient to ensure animal welfare, with a minimum turn over rate of 2 hours. Effluent water to be of equivalent quality to incoming water
maximum farming density	[20] kg/m ³

Section 6

Organic production of fish in inland waters

Species concerned: *Carp (Cyrpinus carpio)* and other associated species in the context of polyculture, tench, crucian carp, perch, pike, catfish, coregonids, etc.

Production system	<p>In fishponds which shall periodically be fully drained and in lakes. Lakes must be devoted exclusively to organic production, including the growing of crops on dry areas.</p> <p>The fishery capture area must be equipped with a clean water inlet and of a size to provide optimal comfort for the fish. The fish must be stored in clean water after harvest.</p> <p>Organic and mineral fertilisation of the ponds and lakes shall be carried out in compliance with Annex I of Regulation 889/2008 with a maximum application of [70kg] Nitrogen/ha.</p> <p>Treatments involving synthetic chemicals for the control of hydrophytes and plant coverage present in production waters are prohibited.</p> <p>Areas of natural vegetation shall be maintained around inland water units as a buffer zone for external land areas not involved in the farming operation in accordance with the rules of organic aquaculture.</p> <p>"Polyculture" shall be used on condition that the criteria laid down in the present specifications for the other species of lakes fish are duly adhered to.</p>
[Farming yield	The total production of species is limited to [500kg] of fish per hectare per year.]

Section 7

Organic production of penaeid shrimps and freshwater prawns (*Macrobrachium sp.*)

Establishment of production unit/s	Location to be in sterile clay areas to minimise environmental impact of pond construction. Ponds to be built with the natural pre-existing clay. Mangrove destruction is not permitted.
Conversion time	Six months per pond, corresponding to the normal lifespan of a farmed shrimp.
Broodstock origin	A minimum of half the broodstock shall be domesticated after three years operating. The remainder is to be pathogen free wild broodstock originating from sustainable fisheries. A compulsory screening to be implemented on the first and second generation prior to introducing to the farm.
[Eyestalk ablation – for further discussion with MS	Single eyestalk ablation ('epedonculation') of female Penaeid shrimp is permitted on a maximum of 75% of breeding stock until 2013, so long as no alternative is proven suitable to enable production. A minimum of 25% are to be spawned without ablation as part of breeding programme.]
Maximum on farm stocking densities and production limits	Seeding: maximum 22 post larvae/m ² Maximum instantaneous biomass (to be defined): 240 g/ m ² Maximum annual production : [5] tonnes/ha

Section 8

Molluscs (in preparation)

Minimum separation distance, organic from non-organic production units growing the same species and from wild molluscs	500 metres
Production systems	